

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
213-1

CRM-M-10075-2024
Date of decision: 21.03.2024

MANOJ KUMAR AND ANOTHER
V/s
...PETITIONERS

STATE OF PUNJAB
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vivek Salathia, Advocate
for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.0013 dated 01.02.2024, registered for the offences punishable under Sections 363, 366 of IPC at Police Station: C Division, District Police Commissionerate, Amritsar.
2. On 26.02.2024, the following order was passed:-

“Apprehending their arrest in FIR No. 0013 dated 01.02.2024 registered for offences punishable under Sections 363 and 366 IPC at Police Station C Division, District Police Commissionerate, Amritsar; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail. Inter alia contends that the petitioners are parents of Parnav (who is stated to be having an affair with the victim); no specific incriminating role has been attributed to the petitioners; bona fide of the petitioners is exhibited by their filing CRWP-1104-2024 before this Court; well-being of the victim has been safeguarded in terms of order dated 06.02.2024 passed in CRWP-1104-2024 & petitioners are willing to join investigation and cooperate therein. Notice of motion. On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. Adjourned to 21.03.2024. The petitioners are directed to appear before the Investigating Officer on 01.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the

condition(s) enumerated under Section 438(2) of the Cr.P.C. ”

3. Learned State counsel, on instructions from ASI Prit Pal Singh, has stated that pursuant to the order dated 26.02.2024, the petitioners have joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 26.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 21, 2024
jatin

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No